# **PROOF**

# STATE OF IOWA

# **House Journal**

WEDNESDAY, FEBRUARY 13, 2013

Produced daily by the State of Iowa during the sessions of the General Assembly. (The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Thirty-first Calendar Day - Twentieth Session Day

Hall of the House of Representatives Des Moines, Iowa, Wednesday, February 13, 2013

The House met pursuant to adjournment at 8:32 a.m., Speaker Paulsen in the chair.

Prayer was offered by Father Gregory Leach from St. Mary Nazareth Parish, Des Moines. He was the guest of Representative Forbes of Polk County.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jake Mathahs, Page from Marengo.

The Journal of Tuesday, February 12, 2013, was approved.

On motion by Upmeyer of Cerro Gordo, the House was recessed at 8:38 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 4:13 p.m., Speaker Paulsen in the chair.

#### INTRODUCTION OF BILLS

House File 202, by H. Miller, Gaskill, Bearinger, Hanson, Ruff, Wolfe, Isenhart, Kearns, Dunkel, Muhlbauer, and Murphy, a bill for an act establishing an agricultural education pilot project for certain school districts and including effective date provisions.

Read first time and referred to committee on Education.

House File 203, by Murphy, a bill for an act concerning school district funding for certain programmatic costs of instruction of children requiring special education and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Education**.

<u>House File 204</u>, by Kajtazovic, a bill for an act relating to the compulsory age of attendance, to penalties for failure to attend school, and to dropout prevention efforts.

Read first time and referred to committee on **Education**.

House File 205, by Wolfe, a bill for an act relating to the expungement of a dismissal or acquittal of a criminal charge.

Read first time and referred to committee on Judiciary.

House File 206, by H. Miller, Berry, Anderson, Thede, Steckman, Hanson, Mascher, Gaskill, Abdul-Samad, T. Taylor, Running-Marquardt, Kressig, Kajtazovic, Wolfe, and Bearinger, a bill for an act relating to the establishment of one or more facilities for the housing of certain sex offenders in need of medical and personal care.

Read first time and referred to committee on Public Safety.

House File 207, by Byrnes, a bill for an act relating to school district transportation costs by providing supplementary weighting for transported pupils in certain school districts and including applicability provisions.

Read first time and referred to committee on **Education**.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed ninety-three members present, seven absent.

# CONSIDERATION OF BILLS Regular Calendar

House File 121, a bill for an act relating to conformity with federal law concerning unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions, was taken up for consideration.

## SENATE FILE 110 SUBSTITUTED FOR HOUSE FILE 121

Klein of Washington asked and received unanimous consent to substitute <u>Senate File 110</u> for <u>House File 121</u>.

<u>Senate File 110</u>, a bill for an act relating to conformity with federal law concerning unemployment insurance employer charges and claimant misrepresentation regarding benefit overpayments, providing a penalty, and including applicability provisions, was taken up for consideration.

Klein of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 110)

The ayes were, 98:

Abdul-Samad Alons Anderson Bacon Baltimore Baudler Brandenburg Bearinger Byrnes Cohoon Costello Cownie Dawson Deyoe Dolecheck Drake Dunkel Fisher Forbes Forristall Fry Gaines Garrett Gaskill Grassley Hagenow Hall Gassman Hanson Hanusa Heartsill Heaton Heddens Hein Hess Highfill Hunter Isenhart Jacoby Huseman Kaufmann Kearns Jorgensen Kajtazovic Kelley Klein Koester Kressig Lundby Landon Lofgren Lensing Lykam Mascher McCarthy Maxwell Miller, H. Miller, L. Moore Muhlbauer Olson, R. Olson, S. Murphy Oldson Olson, T. Ourth Pettengill Prichard Rayhons Riding Ruff Rogers Running-Marquardt Salmon Sands Schultz Shaw Sheets Smith, J. Smith, M. Steckman Soderberg Staed Stanerson Taylor, R. Stutsman Taylor, T. Thede Thomas Upmeyer Vander Linden Wessel-Kroeschell Winckler Windschitl Wood Wolfe Worthan Mr. Speaker Paulsen

The nays were, 1:

Watts

Absent or not voting, 1:

Berry

31st Day

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### **HOUSE FILE 121** WITHDRAWN

Klein of Washington asked and received unanimous consent to withdraw House File 121 from further consideration by the House.

House File 133, a bill for an act relating to the discharge of a firearm near buildings or feedlots by certified law enforcement officers for training purposes, providing penalties, and including effective date provisions, was taken up for consideration.

Windschitl of Harrison offered amendment H-1002 filed by him and moved its adoption.

Amendment H-1002 was adopted.

Windschitl of Harrison moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 133)

The ayes were, 98:

Abdul-Samad Alons Anderson Bacon Baltimore Baudler Brandenburg Bearinger Byrnes Cohoon Costello Cownie Drake Dawson Deyoe Dolecheck Dunkel Fisher Forbes Forristall Gaskill Fry Gaines Garrett Hall Gassman Grassley Hagenow Hanson Heartsill Heaton Hanusa Heddens Hein Hess Highfill Huseman Isenhart Jacoby Jorgensen Kajtazovic Kaufmann Kearns Kelley Klein Koester Kressig Landon Lundby Lofgren Lykam Lensing Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Murphy Olson, R. Olson, T. Oldson Olson, S. Ourth Pettengill Prichard Rayhons Riding Rogers Ruff Running-Marquardt Sands Schultz Salmon Shaw Smith, J. Smith, M. Soderberg Sheets

Steckman Staed Stanerson Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Wessel-Kroeschell Watts Winckler Windschitl Wolfe Wood Worthan Mr. Speaker

The nays were, 1:

Hunter

Absent or not voting, 1:

Paulsen

Berry

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 119</u>, a bill for an act relating to county attorney duties when representing the department of human services in juvenile court, was taken up for consideration.

Heaton of Henry asked and received unanimous consent to withdraw amendment  $\underline{H-1003}$  filed by him on February 5, 2013.

Hess of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 119)

The ayes were, 92:

Anderson Alons Bacon Baltimore Baudler Bearinger Brandenburg Byrnes Costello Dawson Cohoon Cownie Deyoe Dolecheck Drake Dunkel Fisher Forbes Fry Gaines Gaskill Garrett Gassman Grasslev Hagenow Hall Hanson Hanusa Heartsill Heddens Hein Hess Highfill Hunter Huseman Isenhart Jacoby Jorgensen Kajtazovic Kaufmann Koester Kearns Klein Kressig Landon Lensing Lofgren Lundby Lykam Maxwell Miller, H. Moore Muhlbauer Murphy Oldson Olson, R. Olson, S. Olson, T. Ourth Pettengill

Prichard Rayhons Riding Rogers Ruff Running-Marquardt Salmon Sands SchultzSmith, J. Shaw Sheets Smith, M. Soderberg Stanerson Staed Steckman Stutsman Taylor, R. Taylor, T. Upmeyer Thede Thomas Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Wood Worthan Mr. Speaker Paulsen

The nays were, 8:

Abdul-Samad Berry Forristall Heaton Kelley Mascher McCarthy Miller, L.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

<u>House File 152</u>, a bill for an act providing for drainage or levee districts managed by a board of trustees, and including effective date provisions, was taken up for consideration.

Maxwell of Poweshiek offered amendment  $\underline{H-1007}$  filed by him and moved its adoption.

Amendment H-1007 was adopted.

Maxwell of Poweshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 152)

The ayes were, 100:

Abdul-Samad Alons Anderson Bacon Baltimore Baudler Bearinger Berry CostelloBrandenburg Byrnes Cohoon Cownie Dawson Devoe Dolecheck Drake Dunkel Fisher Forbes Forristall Garrett Fry Gaines Gaskill Grassley Hagenow Gassman Hall Hanson Hanusa Heartsill Heddens Heaton Hein Hess Highfill Isenhart Hunter Huseman

Kaufmann Jacoby Jorgensen Kajtazovic Kearns Kelley Klein Koester Lofgren Kressig Landon Lensing Lundby Lykam Mascher Maxwell McCarthy Miller, H. Miller, L. Moore Muhlbauer Oldson Olson, R. Murphy Olson, S. Olson, T. Ourth Pettengill Prichard Rayhons Riding Rogers Running-Marquardt Salmon Sands Ruff Schultz Shaw Sheets Smith, J. Smith, M. Soderberg Stanerson Staed Steckman Stutsman Taylor, R. Taylor, T. Thede Thomas Upmeyer Vander Linden Watts Wessel-Kroeschell Winckler Windschitl Wolfe Mr. Speaker Wood Worthan Paulsen

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

# **HOUSE FILE 49** WITHDRAWN

Maxwell of Poweshiek asked and received unanimous consent to withdraw House File 49 from further consideration by the House.

<u>House File 158</u>, a bill for an act providing for an exception to municipal tort liability for claims arising from sledding on municipality-controlled property, was taken up for consideration.

Hess of Clay offered amendment  $\underline{H-1005}$  filed by her and moved its adoption.

Amendment H-1005 was adopted.

Hess of Clay moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

# On the question "Shall the bill pass?" (H.F. 158)

The ayes were, 55:

Alons	Bacon	Baltimore	Baudler
Brandenburg	Byrnes	Costello	Cownie
Deyoe	Dolecheck	Drake	Fisher
Forristall	$\operatorname{Fry}$	Garrett	Gassman
Grassley	Hagenow	Hanusa	Heartsill
Hein	Hess	Highfill	Huseman
Jacoby	Jorgensen	Kaufmann	Klein
Koester	Landon	Lofgren	Maxwell
Miller, L.	Moore	Olson, S.	Pettengill
Rayhons	Riding	Rogers	Salmon
Sands	Schultz	Shaw	Sheets
Smith, J.	Soderberg	Stanerson	Taylor, R.
Thomas	Upmeyer	Vander Linden	Watts
Windschitl	Worthan	Mr. Speaker	
		Paulsen	

The nays were, 45:

Abdul-Samad	Anderson	Bearinger	Berry
Cohoon	Dawson	Dunkel	Forbes
Gaines	Gaskill	Hall	Hanson
Heaton	Heddens	Hunter	Isenhart
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lundby	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Ourth
Prichard	Ruff	Running-Marquardt	Smith, M.
Staed	Steckman	Stutsman	Taylor, T.
Thede	Wessel-Kroeschell	Winckler	Wolfe
Wood			

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

# **HOUSE FILE 72** WITHDRAWN

Hess of Clay asked and received unanimous consent to withdraw <u>House File 72</u> from further consideration by the House.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session at 5:57 p.m., Speaker Paulsen in the chair.

## Appropriations Calendar

House File 160, a bill for an act relating to mental health and disability services by making transfers and appropriations for the fiscal year beginning July 1, 2012, and including related changes and effective date provisions, was taken up for consideration.

Heddens of Story offered amendment  $\underline{\text{H--}1006}$  filed by her and moved its adoption.

Roll call was requested by Heddens of Story and T. Taylor of Linn.

On the question "Shall amendment H-1006 be adopted?" (H.F. 160)

The ayes were, 47:

Abdul-Samad	Anderson	Bearinger	Berry
Cohoon	Dawson	Dunkel	Forbes
Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Lundby	Lykam	Mascher
McCarthy	Miller, H.	Muhlbauer	Murphy
Oldson	Olson, R.	Olson, T.	Ourth
Prichard	Riding	Ruff	Running-Marquardt
Smith, M.	Staed	Steckman	Stutsman
Taylor, T.	Thede	Thomas	Wessel-Kroeschell
Winckler	Wolfe	Wood	

The nays were, 53:

Alons	Bacon	Baltimore	Baudler
Brandenburg	Byrnes	Costello	Cownie
Deyoe	Dolecheck	Drake	Fisher
Forristall	Fry	Garrett	Gassman
Grassley	Hagenow	Hanusa	Heartsill
Heaton	Hein	Hess	Highfill
Huseman	Jorgensen	Kaufmann	Klein
Koester	Landon	Lofgren	Maxwell
Miller, L.	Moore	Olson, S.	Pettengill
Rayhons	Rogers	Salmon	Sands
Schultz	Shaw	Sheets	Smith, J.
Soderberg	Stanerson	Taylor, R.	Upmeyer
Vander Linden	Watts	Windschitl	Worthan
Mr. Speaker			

Absent or not voting, none.

Paulsen

Amendment H-1006 lost.

Soderberg of Plymouth offered amendment <u>H-1010</u> filed by him.

Soderberg of Plymouth offered amendment  $\underline{\text{H-1013}}$ , to amendment  $\underline{\text{H-1010}}$ , filed by him from the floor and moved its adoption.

Amendment  $\underline{\text{H-}1013}$ , to amendment  $\underline{\text{H-}1010}$ , was adopted, placing out of order amendment  $\underline{\text{H-}1012}$  filed by Heddens of Story from the floor.

Soderberg of Plymouth moved the adoption of amendment  $\underline{H-1010}$ , as amended.

Amendment <u>H-1010</u>, as amended, was adopted, placing out of order amendment <u>H-1004</u> filed by Heddens of Story on February 7, 2013 and amendments <u>H-1008</u> and <u>H-1009</u> filed by Wolfe of Clinton on February 12, 2013.

Heaton of Henry moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 160)

The aves were, 58:

Alons	Bacon	Baltimore	Baudler
Brandenburg	Byrnes	Costello	Cownie
Deyoe	Dolecheck	Drake	Fisher
Forristall	Fry	Garrett	Gassman
Grassley	Hagenow	Hanusa	Heartsill
Heaton	Hein	Hess	Highfill
Huseman	Jorgensen	Kaufmann	Klein
Koester	Landon	Lofgren	Lundby
Lykam	Maxwell	Miller, L.	Moore
Olson, S.	Pettengill	Rayhons	Rogers
Salmon	Sands	Schultz	Shaw
Sheets	Smith, J.	Soderberg	Stanerson
Taylor, R.	Thede	Upmeyer	Vander Linden
Watts	Winckler	Windschitl	Wood
Worthan	Mr. Speaker		
	Paulsen		

The nays were, 42:

Abdul-Samad Anderson Bearinger Berry Cohoon Dawson Dunkel Forbes

Gaines	Gaskill	Hall	Hanson
Heddens	Hunter	Isenhart	Jacoby
Kajtazovic	Kearns	Kelley	Kressig
Lensing	Mascher	McCarthy	Miller, H
Muhlbauer	Murphy	Oldson	Olson, R.
Olson, T.	Ourth	Prichard	Riding
Ruff	Running-Marquardt	Smith, M.	Staed
Steckman	Stutsman	Taylor, T.	Thomas
Wessel-Kroeschell	Wolfe		

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Upmeyer of Cerro Gordo asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 119, 133, 152, 158, 160** and <u>Senate File 110</u>.

#### EXPLANATION OF VOTE

On February 13, 2013, I was necessarily absent during voting in the House chamber. Had I been present, I would have voted as follows:

<u>House File 133</u> – "aye" <u>Senate File 110</u> – "aye"

BERRY of Black Hawk

#### DOCUMENT FILED

The following communication was received and placed on file:

By Thomas of Clayton from the North Winneshiek Community School District Board of Education regarding funding for Iowa schools.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### H.S.B. 131 Local Government

Allowing certain milk and products using milk to be transferred directly by operators of dairy farms, and making penalties applicable.

#### H.S.B. 132 Economic Growth

Relating to the economic development financial assistance duties and powers of the economic development authority by authorizing and creating fees and a tax rebate, affecting the aggregate tax credit limit for certain economic development programs and the tax credit for the endow Iowa tax credit, authorizing the diversion of withholding tax payments for certain programs, making an appropriation, and including effective date and retroactive applicability provisions.

#### H.S.B. 133 Commerce

Relating to enhanced E911 emergency communication systems, and providing penalties.

#### H.S.B. 134 Commerce

Regulating the sale of portable electronics insurance, including by requiring licensure, and providing for fees and penalties.

#### H.S.B. 135 Transportation

Relating to the regulation of vehicles of excessive size and weight, establishing fees, and providing penalties.

#### H.S.B. 136 Human Resources

Relating to state requirements for county and multicounty juvenile detention homes.

#### H.S.B. 137 Commerce

Establishing data security compliance requirements in relation to payment card transactions, and providing penalties.

#### H.S.B. 138 Judiciary

Relating to the service of notice of no-contact orders and protective orders.

#### H.S.B. 139 Natural Resources

Relating to the definition of all-terrain vehicle and off-road utility vehicle for purposes of the regulation of recreational vehicles by the department of natural resources.

# **H.S.B.** 140 Transportation

Relating to the penalty for failing to return a persons with disabilities parking permit and using the permit to park illegally.

#### H.S.B. 141 Judiciary

Relating to marital agreements, and including effective date and applicability provisions.

#### SUBCOMMITTEE ASSIGNMENTS

**House File 126** 

Education: Byrnes, Chair; Hanson and Stanerson.

**House File 182** 

Commerce: J. Smith, Chair; Hall and Pettengill.

**House File 200** 

Human Resources: Forristall, Chair; Abdul-Samad and Koester.

**House File 201** 

Human Resources: Forristall and Heddens, Chair; Koester.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 78** 

Transportation: Moore, Chair; Landon and Wolfe.

**House Study Bill 92** 

Transportation: Moore, Chair; Murphy and Pettengill.

**House Study Bill 128** 

Public Safety: Shaw, Chair; Brandenburg and Dawson.

**House Study Bill 131** 

Local Government: Schultz, Chair; Heartsill and Running-Marquardt.

**House Study Bill 132** 

Economic Growth: Baltimore, Chair; Dunkel and Hanusa.

**House Study Bill 133** 

Commerce: Vander Linden, Chair; Kressig and Pettengill.

**House Study Bill 134** 

Commerce: Vander Linden, Chair; Landon and Riding.

**House Study Bill 135** 

Transportation: Moore, Chair; Landon and Riding.

**House Study Bill 136** 

Human Resources: Lofgren, Chair; Dawson and Heaton.

**House Study Bill 137** 

Commerce: Grassley, Chair; Fisher and Hall.

**House Study Bill 140** 

Transportation: Kaufmann, Chair; Moore and Stutsman.

#### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk:

CARMINE BOAL Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

Committee Bill (Formerly House Study Bill 69), providing a tax credit for lessors or lessees of agricultural land in order to support beginning farmers.

Fiscal Note: No

Recommendation: Amend and Do Pass February 13, 2013.

#### COMMITTEE ON LOCAL GOVERNMENT

Committee Bill (Formerly House File 11), eliminating the Iowa smart planning principles and other local comprehensive planning and development guidelines.

Fiscal Note: No

Recommendation: Do Pass February 13, 2013.

#### COMMITTEE ON PUBLIC SAFETY

Committee Bill (Formerly House File 12), concerning issuance of a license or users permit for specified activities regarding explosives.

Fiscal Note: No

Recommendation: Do Pass February 12, 2013.

Committee Bill (Formerly House Study Bill 53), relating to the confidentiality of information filed with the court for the purpose of securing an arrest warrant.

Fiscal Note: No

Recommendation: Amend and Do Pass February 12, 2013.

Committee Bill (Formerly House Study Bill 67), relating to privileged communications between certain peer support group counselors and officers.

Fiscal Note: No

Recommendation: Amend and Do Pass February 12, 2013.

COMMITTEE ON STATE GOVERNMENT

Committee Bill (Formerly House Study Bill 20), relating to the legal sufficiency review of and notification procedures for complaints filed with the Iowa ethics and campaign disclosure board.

Fiscal Note: No

Recommendation: Do Pass February 12, 2013.

Committee Bill (Formerly House Study Bill 21), relating to the technical administration of election and voter registration laws, including by making modifications to certain filing deadlines, preservation of certain records, elections to fill certain vacancies in office, absentee voting, voting systems, and ballot summaries.

Fiscal Note: No

Recommendation: Amend and Do Pass February 12, 2013.

#### COMMITTEE ON TRANSPORTATION

Committee Bill (Formerly House File 24), relating to the operation of golf carts on the streets of an established community within an unincorporated area and making a penalty applicable.

Fiscal Note: No

Recommendation: Do Pass February 13, 2013.

#### COMMITTEE ON VETERANS AFFAIRS

Committee Bill (Formerly House Study Bill 30), exempting federal retirement pay of a resident received for military service from the state individual income tax and including retroactive applicability provisions.

Fiscal Note: No

Recommendation: Do Pass February 12, 2013.

#### RESOLUTIONS FILED

H.R. 11, by Abdul-Samad, Gaines, Staed, Dawson, Prichard, T. Olson, Murphy, Koester, Lofgren, Heddens, Hunter, Salmon, Dunkel, Hanusa, Maxwell, Huseman, Gaskill, Pettengill, Steckman, Paulsen, Kearns, Wessel-Kroeschell, R. Olson, Oldson, Muhlbauer, H. Miller, Berry, Cohoon, Ruff, Hanson, Jacoby, Kelley, Hall, Thede, and Stutsman, a resolution designating February 2013 as Black History Month.

Laid over under Rule 25.

H.R. 12, by Hall and Pettengill, a resolution urging Congress to include political organizations within the scope of the National Do Not Call Registry.

Laid over under Rule 25.

# AMENDMENTS FILED

H-1012	<u>H.F.</u>	160	Heddens of Story
H-1013	H.F.	160	Soderberg of Plymouth

On motion by Upmeyer of Cerro Gordo, the House adjourned at 7:28 p.m., until 8:30 a.m., Thursday, February 14, 2013.